

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

TASCIE A FUGATE, )  
                        )  
                        Plaintiff, )  
v.                       )  
                        )  
MICHAEL J. ASTRUE, ) No. 10-3436-CV-S-FJG-SSA  
Commissioner of Social Security, )  
                        )  
                        Defendant. )

**ORDER**

Pending before the Court is Plaintiff's Application for Attorney's Fees Under the Equal Access for Justice Act (Doc. No. 17). Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, plaintiff is entitled to an award of reasonable attorney fees. In response, defendant states that after discussions with plaintiff's counsel, the parties have agreed to an award of EAJA fees in the total amount of \$5,063.50, which represents \$5,000.00 in attorney's fees and \$63.50 in expenses. Defendant notes that according to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the EAJA fee is payable to plaintiff as litigant and is subject to offset pre-existing debts that plaintiff may owe the United States.

Accordingly, it is hereby **ORDERED** that plaintiff's application for attorney fees is **GRANTED**, and plaintiff shall be awarded attorney fees and expenses under the EAJA in the amount of \$5,063.50.

**IT IS SO ORDERED.**

Date: 9/15/2011  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge